FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8145

UNITED STATES OF AMERICA Plaintiff, v. Jose Alfredo TORRES, Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about February 19, 2008, within the Southern District of California, defendant Jose Alfredo TORRES, did knowingly and intentionally import approximately 22.32 kilograms (49.10 pounds) of Cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Enrique Torregrosa Special Agent
U. S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF February 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Jose Alfredo TORRES

STATEMENT OF FACTS

This complaint is based on the reports, documents, and notes furnished to U.S. Immigration and Customs Enforcement Special Agent Enrique Torregrosa.

On February 19, 2008, at approximately 0001 hours, Jose Alfredo TORRES entered the United States from the Republic of Mexico via the Calexico, California West Port of Entry. TORRES made entry driving a 2003 Honda Pilot bearing California plate number 5YML457. TORRES was the driver, registered owner and sole occupant of the vehicle.

At primary inspection, TORRES gave a negative oral Customs declaration to Customs and Border Protection Officer (CBPO) Pelayo. CBPO Pelayo asked TORRES where he was going and TORRES stated that he was going home to Calexico, California. TORRES stated that the vehicle belonged to him. CBPO Pelayo conducted a cursory inspection of the vehicle and noticed that the vehicle had one key and an empty glove compartment. CBPO Pelayo also noticed that TORRES was nervous; his nervous demeanor included no eye contact and trembling of hands. CBPO Pelayo escorted TORRES and his vehicle to vehicle secondary for further inspection.

At the secondary area, CBPO Pelayo requested for CBP Canine Officer Parrish to screen the vehicle utilizing his assigned Human/Narcotic Detector Dog (HNDD). HNDD alerted to the dash of the vehicle. A subsequent search of the vehicle by CBPO Pelayo revealed seven packages concealed within a specially built compartment located in the front wall dash of the vehicle. CBPO Pelayo probed one package, which produced a white powdery substance, which field-tested positive for cocaine.

TORRES was arrested for importation of cocaine into the United States. TORRES was advised of his Miranda Rights, which he acknowledged and waived agreeing to answer questions without the presence of an attorney. TORRES stated that he did not know anything about the cocaine in his vehicle. TORRES stated that the vehicle has been in his possession at all times since February 11, 2008.

Special Agent Torregrosa conducted the interview and noticed that TORRES was nervous, avoiding eye contact, trembling of voice and hands and inconsistent with his answers. TORRES told SA Torregrosa that his mother Patricia gave him $700.00 that she got from a rental property, however SA Torregrosa spoke to Patricia via cell phone and Patricia stated that she did not give that money to her son TORRES. Patricia also stated that the only vehicle that she knows her son drives, was a pick up truck, and not a Honda.